

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.571 OF 2007

Between:

K.Suryanarayana Varma and others

. . .Appellants

AND

The Government of Andhra Pradesh and others

. . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri A.V.Sesha Sai

Counsel for the respondents : Government Pleader
for Revenue

16th July, 2007

PER G.S.SINGHVI, CJ

Feeling aggrieved by order dated 19.04.2007 passed by the learned Single Judge in Writ Petition No.7421 of 2007 whereby he rejected the appellants prayer for issue of a mandamus to Revenue Divisional Officer, Visakhapatnam to remit the record to Commissioner of Appeals, Office of Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad, the appellants have preferred this appeal under Clause 15 of the Letters Patent.

A perusal of the record shows that there is long standing dispute between the appellants and respondent Nos. 6 and 7 in the matter of grant of ryotwari patta under Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 and they are litigating before the revenue authorities for last almost 20 years.

The appellants filed writ petition with the grievance that due to the failure of Revenue Divisional Officer, Visakhapatnam to send the record, adjudication of the dispute has been held up for last more than two years and six months. The learned Single Judge dismissed the writ petition with an observation that mere delay on the part of the Revenue Divisional Officer to remit the record does not justify exercise of jurisdiction by this Court under Article 226 of the Constitution of India.

On 13.10.2007, the Court had, after taking cognizance of the grievance made by the appellants asked the learned Government Pleader to instruct Revenue Divisional Officer, Visakhapatnam to appear in person together with the relevant records.

Today, Shri M.Venkateswara Rao, Revenue Divisional Officer

has appeared in person, but has not produced the records. However, the learned Government Pleader came to his rescue by stating that some part of the record summoned by the Commissioner of Appeals has already been sent and District Collector, Visakhapatnam has assured that appropriate action for recovery of the remaining records will be taken within next four weeks and if the record is not traced out, then disciplinary proceedings will be initiated against responsible officers/officials.

In view of the statement made by the learned Government Pleader, we, without commenting upon the correctness of the order under challenge dispose of the appeal with the following directions:

1) District Collector, Visakhapatnam shall ordain an enquiry through a senior officer of the rank of Joint Collector in the matter of non-sending of record by the Revenue Divisional Officer concerned to Commissioner of Appeals, Office of Chief Commissioner, Land Administration, Andhra Pradesh, Hyderabad and send a report to the latter within a period of five weeks from today.

2) If the report of District Collector reveals that the record summoned is not traceable, then the parties may take appropriate steps in accordance with law for reconstruction of the record, as far as possible.

3) If the record is not traced out, the District Collector should fix the responsibility on the guilty officers/officials for loss of the record and take appropriate punitive action.

As a sequel to disposal of the main appeal, WAMP No.1119 of 2007 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

16th July, 2007

C.V.NAGARJUNA REDDY, J

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